



# 2017 WasteWise Fall Forum



## Donating Surplus Prepared Food and Source Reduction of Food Waste



Preserving Resources,  
Preventing Waste



# RecyclingWorks in Massachusetts

- Online Resources
- Email and Phone Hotline
- Technical Assistance
- Events and Workshops
- C&U and WasteWise Program Administration

The screenshot shows the homepage of the RecyclingWorks Massachusetts website. At the top, there is a green header bar with the email address 'info@recyclingworksma.com' on the left and the phone number 'CALL OUR HOTLINE: (888) 254-5625' on the right. Below the header is a navigation menu with the following items: ABOUT US, RECYCLE, FOOD WASTE, MATERIALS, REUSE, and BLOG/EVENTS. The main content area features a large background image of a recycling center with signs for 'COMPOST' and 'TRASH'. Overlaid on this image is the text 'Recycling Assistance for Businesses & Institutions'. Below this text is a search form with three dropdown menus: 'Any Material', 'Enter location', and 'Pick Up/Drop Off', followed by a green 'Search' button. Below the search form is a text input field with the placeholder 'OR, try a keyword or biz name'. Underneath the search form, there is a paragraph of text: 'RecyclingWorks in Massachusetts is a recycling assistance program that helps businesses and institutions maximize recycling, reuse, and food waste diversion opportunities.' Below this paragraph are two green buttons: 'LIST YOUR BUSINESS' and 'MORE INFO ABOUT RECYCLINGWORKS'. At the bottom of the page, there is a green bar with the text 'GET HELP FROM A RECYCLINGWORKS RECYCLING EXPERT' and a dark brown button with the text 'Call our hotline or email us a question. Click here for more information'.



# Food Waste Estimation Tool



## Restaurants

Click [here](#) for a printable, fill-in version of this Commercial Food Waste Disposal Ban threshold estimation guide for restaurants.

	Average Measurement		Material
Meals Served	0.5	lbs/meal	Food waste
Full-Time Employees	1,500	lbs/employee/year	Food waste
Disposed Waste [ Full Service]	66	% of disposed waste by weight	Food waste
Disposed Waste [Fast Food]	51	% of disposed waste by weight	Food waste

If you serve **4,000 meals** in one week, then:

$0.5 \text{ lbs/meal} * 4,000 \text{ meals served/week} = 2,000 \text{ lbs/week} = 1 \text{ ton of food waste in one week}$

<https://recyclingworksma.com/food-waste-estimation-guide/>



# UMass Amherst



## Kitchen Source Separation Instructional Video

### Best Practices

- Employee training and signage
- Collection bins
- Contamination
- Potential for cost savings



Instructional Video: <https://youtu.be/5iL296nTFo4>



# Food Donation Guidance



## FOOD DONATION GUIDANCE

The RecyclingWorks in Massachusetts program has worked with state and local health officials, food rescue organizations, food banks, and organizations with established food donation programs to develop this Food Donation guidance document by holding three stakeholder meetings across the state in Springfield (March 25, 2015), Worcester (April 9, 2015) and Boston (April 29, 2015). The information gained from the meetings was used to create this guidance document.

The US EPA's Food Recovery Hierarchy ranks feeding hungry people near the top of its priorities as a strategy to reduce wasted food. Businesses should consider how each strategy on the EPA Hierarchy can contribute to a comprehensive food waste reduction plan.

This document is intended to provide guidance to organizations interested in establishing Food Donation programs by offering a broad overview of how successful food donation programs should be structured. In order to have a successful food donation program there are four major steps that must be taken:

### Find A Recycler

Any Matr  Enter loca  Pick Up/

50 mi

OR, try a keyword or biz name

### Upcoming Events

May 03, 2017

**Green Your Bottom Line in Food & Beverage Businesses**

Green Your Bottom Line in Food & Beverage Businesses: An Energy &...

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May 04, 2017

**College & University Spring Forum**

[www.RecyclingWorksMA.com/donate](http://www.RecyclingWorksMA.com/donate)





# Food Donation Laws and Liability Protection



## Legal Fact Sheet for Massachusetts Food Donation: Liability Protections - July 2015

Businesses and nonprofits that provide or receive donated food are generally well-protected by laws designed to provide immunity from liability related to such donations. The federal Bill Emerson Good Samaritan Food Donation Act provides liability protection for food donors, and Massachusetts' Good Samaritan law provides additional liability protection to businesses in the state.

### The Emerson Good Samaritan Act

The Bill Emerson Good Samaritan Food Donation Act (the Emerson Act) provides a federal baseline of protection for food donors. The Emerson Act covers individuals, businesses, non-profit organizations, and the officers of businesses and non-profit organizations. It also covers gleaners—individuals that harvest donated agricultural crops to a nonprofit organization that distributes to the needy.<sup>1</sup> These individuals and businesses are protected so long as they donate qualifying types of food in good faith.

- **Qualifying Food:** The donated food must be "apparently wholesome" or an "apparently fit grocery product" and meet "all quality and labeling standards imposed by Federal, State, and local laws and regulations," even if it is not "readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions."<sup>2</sup>
- **Exception for Reconditioned Food:** Even if a food does not meet all applicable standards, the donor can still be protected by the Emerson Act as long as (s)he follows all of the Act's reconditioning procedures,<sup>3</sup> which include:
  - 1) The donor informs the nonprofit of the nonconforming nature of the product;
  - 2) The nonprofit agrees to recondition the item so that it is compliant; and
  - 3) The nonprofit knows the standards for reconditioning the item.<sup>4</sup>

The Emerson Act protects most but not all donations of qualifying food. In order to get protection, the transaction must be structured such that:

- 1) The donor donates to a non-profit organization.<sup>5</sup>
- 2) This nonprofit organization that receives the donated food distributes it to needy populations.<sup>6</sup> Direct donations from the donor to needy individuals do not seem to be protected by the Act.<sup>6</sup>
- 3) The ultimate recipients do not pay for this donated food.<sup>7</sup> However, if one nonprofit donates food to another nonprofit for distribution, the Act allows the first nonprofit to charge the distributing nonprofit a nominal fee to cover handling and processing costs.<sup>8</sup>

So long as these criteria are met, the Emerson Act is quite protective of donors, and does not hold a donor liable unless the donor acts with gross negligence or intentional misconduct.<sup>9</sup>

- **Gross Negligence** involves "voluntary and conscious conduct (including a failure to act)" by a person or organization that knew when the donation was made that the donated food was likely to have harmful health impacts.<sup>10</sup>

<sup>1</sup> 42 U.S.C.A. §1791 (West 2015).

<sup>2</sup> *Id.* §1791(b)(5).

<sup>3</sup> There is an exception for mislabeled food products that are "not readily marketable," which can also be protected so long as the donor explains the mislabeling to the donee, and the donee has sufficient knowledge to and does recondition the product to meet applicable standards. *Id.* §1791(b)(2).

<sup>4</sup> *Legal Guide to Food Recovery*, U. Ark. L.L.M. Dir.'s on-Asst. & Food Law 10 (2013), available at

<http://law.uark.edu/documents/2013/06/16/aga-Guide-To-Food-Recovery.pdf>.

<sup>5</sup> *Id.*

<sup>6</sup> The Act defines a non-profit as an incorporated or unincorporated entity that satisfies these requirements: (1) operates "for religious, charitable, or educational purposes" and (2) "does not provide net earnings to, or operate in any other manner for the benefit of any officer, employee, or shareholder." 42 U.S.C.A. §1791(b)(9) (West 2015).

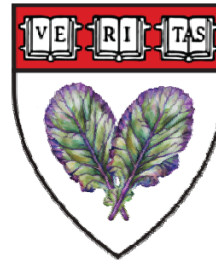
<sup>7</sup> *Id.* §1791(c).

<sup>8</sup> *See id.*

<sup>9</sup> *Id.* §1791(b)(3).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* §1791(c)(3).



## Harvard Food Law and Policy Clinic A Division of the Center for Health Law and Policy Innovation

### Legal Fact Sheet:

- Date Labeling
- Tax Incentives
- Liability Protections

<http://www.recyclingworksma.com/donate>

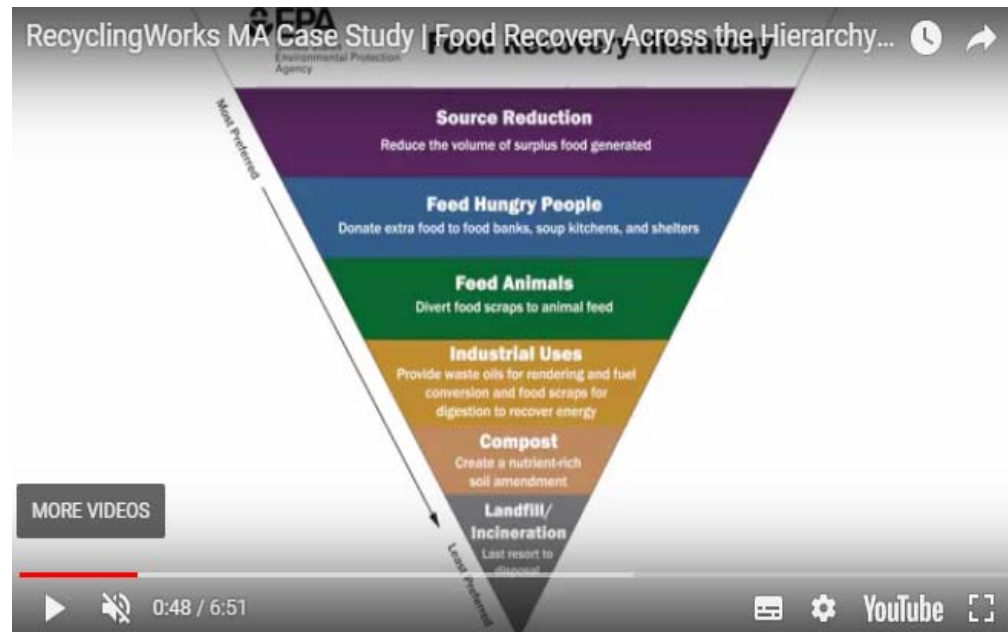


# UMass Amherst Case Study



## Food Recovery Across the EPA Hierarchy

- UMass follows the EPA Food Recovery Hierarchy when prioritizing food recovery efforts
- UMass Dining saved \$750,000 over the past three years by reducing wasted food



### Video and Written Case Study:

<https://youtu.be/ZmdvRoY2bjU>

<https://recyclingworksma.com/wp-content/uploads/2012/01/UMassCaseStudyFINAL-IA.pdf>



# RecyclingWorks Hotline

(888) 254-5525

[info@recyclingworksma.com](mailto:info@recyclingworksma.com)

[www.RecyclingWorksMA.com](http://www.RecyclingWorksMA.com)